

IN THE COURT OF THE MUNSIF ATTINGAL.
PRESENT:SRI. SANTHOSH KUMAR.N, MUNSIF
THURSDAY 6th OCTOBER 2022/ 14th ASWINA 1944
IA 04/2022 in OS .No. 360/2011

Petitioner/ Defendants :-

- 1 Sathyaseelan, aged 71 years, S/o Madhavan, Geethabhavan, Madathil Kunnu, Kilimanoor,Pazhayakunnummel Village.
 - 2 Geetha, aged 56 years, D/o Velayudhan,Geethabhavan, Madathil Kunnu, Kilimanoor, Pazhayakunnummel Village.
- By Adv. Sri. A. Babu

Counter Petitioners/ Plaintiffs:-

Vijayan, S/o Sukumaran, aged 60 years, Pulikkal Veedu, Kilimanoor, Pazhayakunnummel Village.
By Adv. Sri. G.Suseelan

This Petition having been finally heard on 06-10-2022 and this court on same day delivered the following.

ORDER

In the light of the Judgment of the Hon'ble High Court of Kerala in Francis Assissi Vs. Breesiya, on (2016 ILO 1159), the court can't set aside a commission report and plan prepared by the Adv. Commissioner after conducting local inspection since it form part of the record. However, the court has power to order further inquiry by the Adv. Commissioner if the court is dissatisfied with the report of the commissioner. The main contention of the petitioner is that the commissioner and surveyor has not measured and prepared a plan basing the document relied by the petitioner, but the commissioner prepared a plan basing re-survey. It is also contented that the revenue authorities committed mistakes while converting the area in the 'are' in the cents.

The defendant/respondent has liberty to file objection to the commission report. The defendant has opportunity to cross examination the commissioner and surveyor. In the circumstances, I find that there is no need to order further inquiry.

In the result the petition stands dismissed.

Pronounced by me in open court on this the 06nd day of October 2022

Sd/
SANTHOSH KUMAR.N
MUNSIFF

Appendix: Nil

Id/-
MUNSIFF

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Typed by: Sofiya Beevi
Compared by:

MUNSIFF

